



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (710/97)

Do **NOT** use for expedited repeal or adoption

Agency: Office of the Insurance Commissioner

Subject of possible rule making: The agency will consider new rules governing unfair sex discrimination. The agency will review existing and possibly unfair practices by carriers that may aid, abet, or encourage violations of state or federal discrimination laws or that may obstruct compliance with such laws. The agency also will consider amending or repealing existing rules to conform with standards governing sex discrimination, including pregnancy discrimination.

Insurance Commissioner Matter No. R 2001-02

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 48.02.060, 48.18.480, 48.20.450, 48.20.460, 48.21.045, 48.30.010, 48.30.300, 48.41.110, 48.41.170, 48.42.010, 48.42.040, 48.42.100, 48.43.012, 48.43.025, 48.43.035, 48.43.041, 48.43.115, 48.43.520, 48.44.020, 48.44.023, 48.44.050, 48.44.220, 48.46.060, 48.46.066, 48.46.110, 48.46.200, 49.60.010, 49.60.030, 49.60.120, 49.60.178, 49.60.220.

(b) Reasons why rules on this subject may be needed and what they might accomplish: (1) Carriers need guidance on how to comply with state and federal laws that prohibit sex discrimination in insurance transactions and health plan benefits. There are a number of state and federal laws that prohibit sex discrimination in health insurance benefits, including but not limited to maternity and contraceptive health care services. The laws include 42 U.S.C. 2000 and Chapter 49.60 RCW, in addition to provisions of the state insurance code. OIC rules governing sex discrimination need to be amended and new rules adopted to provide clear guidance to carriers and consumers as to what are prohibited discriminatory practices. (2) Carriers are required by various laws to provide maternity and prescription drug benefits, including prescription contraceptives. Clarification of these requirements is sought. Existing OIC rules may need to be amended to provide clear guidance to carriers and consumers as to the minimum standards for these benefits. (3) Existing rules governing sex discrimination in insurance transactions and health care benefits need to be updated to reflect changes in law.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The United State Equal Employment Opportunity Commission and the Washington State Human Rights Commission administer unfair discrimination laws applicable to employers and employee health benefits. In addition, the Insurance Commissioner and the Washington State Human Rights Commission have concurrent jurisdiction over the issue of unfair practices in insurance, including practices that aid and abet violations of the state Civil Rights Act. The Commissioner's staff will confer with representatives of these agencies.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

X Agency study

☐ Other (describe)

Please send any comments regarding this rule to:

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By: April 6, 2001

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: (List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

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NAME (TYPE OR PRINT)

Mike Kreidler

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TIME 9:48 AM

TITLE

Insurance Commissioner

DATE

Feb 20, 2001

WSR 01-05-108